



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,201	08/02/2001	Michael D. Kotzin	CS10467	5912

20280 7590 02/24/2005

MOTOROLA INC
600 NORTH US HIGHWAY 45
ROOM AS437
LIBERTYVILLE, IL 60048-5343

EXAMINER


HSU, ALPUS

ART UNIT	PAPER NUMBER
----------	--------------

2665

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s) 	
	09/921,201	KOTZIN, MICHAEL D.	
	Examiner	Art Unit	
	Alpus H. Hsu	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☒ Claim(s) 3 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01/13/03</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2665

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by SHU et al. in U.S. Patent Application Pub. No. US 2002/0120874 A1.

Referring to claim 1, SHU et al. discloses a method for communicating information for a wireless apparatus in communication with a first wireless communication system and also in communication with a second wireless communication system comprising: splitting information to be communicated for the wireless apparatus (paragraph [0015] lines 1-2, paragraph [0111] lines 1-3); transmitting the split information to a plurality of proximal wireless units (paragraph [0015] lines 5-8, paragraph [0106] lines 3-6, paragraph [0113] lines 3-6); and conveying, by the plurality of proximal wireless units, at least some of the transmitted split information to the wireless apparatus (paragraph [0019] lines 6-8, paragraph [0107] lines 4-8, paragraph [0120] lines 3-7).

Referring to claim 2, SHU et al. discloses the further steps of: receiving, by the wireless apparatus, the conveyed information; and combining, by the wireless apparatus, the conveyed split information (paragraph [0019] lines 7-8, paragraph [0080] lines 1-8, paragraph [0114] lines 7-9).

Referring to claim 4, SHU et al. discloses a method for communicating information for a wireless apparatus in communication with a first wireless communication system and also in

Art Unit: 2665

communication with a second wireless communication system comprising: splitting information to be communicated to the second wireless communication system (paragraph [0015] lines 1-2, paragraph [0111] lines 1-3); transmitting the split information to a plurality of proximal wireless units (paragraph [0015] lines 5-8, paragraph [0106] lines 3-6, paragraph [0113] lines 3-6); and conveying, by the plurality of proximal wireless units, at least some of the transmitted split information to the second wireless communication system (paragraph [0019] lines 6-8, paragraph [0107] lines 4-8, paragraph [0120] lines 3-7).

Referring to claim 5, SHU et al. discloses the further steps of: receiving, by the second wireless communication system, the conveyed information; and combining, by the second wireless communication system, the conveyed split information (paragraph [0019] lines 7-8, paragraph [0080] lines 1-8, paragraph [0114] lines 7-9).

3. Claims 3 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boebert et al., Gleeson et al., Gulliford et al., Shu et al. '888, and Shu '020 are all cited to show the common feature of data transfer in a communications network utilizing message splitting/segmentation and combining/reassembly and intermediate nodes similar to the claimed invention.

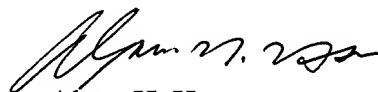
Art Unit: 2665

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH



Alpus H. Hsu
Primary Examiner
Art Unit 2665